

LFC Requester:**Clint Elkins**

**AGENCY BILL ANALYSIS
2016 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original X **Amendment**
Correction **Substitute**

Date 1/22/2016

Bill No: SB 114

Sponsor: Sen. Ron Griggs

Agency Code: 305

Short Adjunct Secondary Instructor

Person Writing Dylan Lange

Title: Act

Phone: 827-7479

Email dlange@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicate to HB 145 (ADJUNCT SECONDARY INSTRUCTORS ACT)

SECTION III: NARRATIVE**BILL SUMMARY**

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

Synopsis:

Senate Bill 144 (SB 144) adds a new section of the Public School Code. HB 145 provides for adjunct secondary instructors, who are properly licensed, to contract with a school districts for one year contracts to provide educational services. The new threshold requirements are outlined in Section 1-3 of the bill. The licensees can only instruct in 7-12 grades and their services shall not exceed one-half of a full-time teacher's workload.

Section 4 defines the new licensure requirements for Adjunct Secondary Licensure.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

Section 4(E) would make an applicant meet any other requirement established by rule by the department. At this point there is no further clarity on what other requirements would be deemed necessary.

The School Personnel Act does not apply to adjunct secondary instructors. Therefore, there is no code of conduct a new licensee must follow. Parents of children taught by these adjunct secondary instructors may not be aware of this.

There is also no clarity given to how long such licensure would be valid. Most entry level licensees given by PED, a Level A, are a one-time 5-year license. A licensee would need to meet further bench marks to advance their licensure. The act is silent on how long such a licensure would be valid.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 145 (CREATING THE ADJUNCT SECONDARY INSTRUCTORS ACT)

Is an exact duplicate.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

The Adjunct Secondary Teacher can be terminated without cause and is not eligible for any state provided benefits.

Who would enforce the provisions against a school district that does not follow the licensure provisions? For instance, a charter school who employs more than 50% of their staff with adjunct secondary instructor licensees?

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo. Districts would not be able to fill teacher vacancies quickly.

AMENDMENTS